

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Translation

10/019294

Applicant's or agent's file reference SPE_99/04	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/06233	International filing date (day/month/year) 03 July 2000 (03.07.00)	Priority date (day/month/year) 06 July 1999 (06.07.99)
International Patent Classification (IPC) or national classification and IPC C08L 23/04, 23/10, C08L 23/04		
Applicant SOLVAY POLYOLEFINS EUROPE-BELGIUM (SOCIÉTÉ ANONYME)		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 25 January 2001 (25.01.01)	Date of completion of this report 26 September 2001 (26.09.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP00/06233

I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- the international application as originally filed.
- the description, pages 1-12, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.
- the claims, Nos. _____, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 1-15, filed with the letter of 02 July 2001 (02.07.2001),
Nos. _____, filed with the letter of _____.
- the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/fig _____

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	_____	YES
	Claims	1	NO
Inventive step (IS)	Claims	_____	YES
	Claims	1	NO
Industrial applicability (IA)	Claims	1-15	YES
	Claims	_____	NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: EP-A-0 850 756 (JAPAN POLYCHEM CORP) 1 July 1998
(1998-07-01)

D2: EP-A-0 704 462 (MITSUI PETROCHEMICAL IND)
3 April 1996 (1996-04-03)

D3: US-A-5 856 406 (BETSO STEPHEN R ET AL)
5 January 1999 (1999-01-05)

2. Novelty and inventive step (PCT Article 33(2) and 33(3)).

(a) D3 describes a composition containing:

A) a propylene polymer optionally being, in particular, a random copolymer containing 1.5 to 7% of ethylene (column 8, line 24). The melt flow index (230/2.16) of said polymer is between 0.1 and 35, preferably between 1 and 20 (column 8, lines 39-41)

B) an ethylene copolymer prepared using

metallocene, having a polydispersity of between 1.5 and 2.5, density of between 0.85 and 0.91 and an MFR (190/2.16) of between 0.01 and 20 (column 5, lines 1-6 and 22-27; column 7, line 25).

The melting temperature of polymer A is not mentioned in D3 but a melting temperature of between 100 and 140°C is usual for a polymer of this kind.

In particular, Examples 16-20 appear to anticipate Claim 1. Indeed, the copolymer, Amoco 8449, that is used is a propylene-ethylene copolymer containing less than 5% of ethylene (cf. US 5 931 505, column 3, line 41).

It follows that Claim 1 is not considered to be novel (PCT Article 33(2)).

- (b) D1 and D2 do not describe or suggest compositions such as the ones claimed. In particular, the propylene polymer used in D1 and D2 does not correspond to definitions A1-A3.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in documents D1-D3, nor does it cite said documents.